

REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments and the following remarks. In the amendment new claims 98-105 have been added. Claims 98-105 are supported by the claims as originally presented and throughout the present application. Accordingly, no new matter has been added.

Claims 1-97 stand restricted under 35 U.S.C. 121 into the following two groups identified in the Office Action as:

Group I: claims 1-69, drawn to a method for forming a multilayer optical article, classified in class 156; and

Group II: claims 70-97, drawn to the multilayer article, classified in class 428.

Applicants hereby elect Group II, article claims 70-97 and new claims 98-105 for prosecution, but with traverse as discussed below. Within group II, a further species election is required in the Office Action between claims 70-81, 82-93, and 94-97. Applicants hereby elect claims 94-97 and new claims 98-105 which depend from independent claim 94, but with traverse.

Applicants traverse the restriction requirement and submits that it would not be an undue burden to examine method claims 1-69 in conjunction with article claims 70-105, and at the very least it would not be an undue burden to examine article claims 70-93 in conjunction with claims 94-97 and new claims 98-105. The Examiner has not demonstrated that examination of the entire application, or the article claims of Group II, is a serious burden. See, e.g., MPEP Sect. 803, second full paragraph: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." In view of this, Applicants respectfully request examination of all claims on the merits, and at the very least, all of the article claims included in Group II, i.e., claims 70-105.

Applicants expressly reserve their right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 495812000300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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